

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 573

November 13, 1995, 7:07 p.m.
Page S-16991 Temp. Record

BALANCED BUDGET RECONCILIATION/Medicare-Medicaid Instructions

SUBJECT: **Balanced Budget Reconciliation Act of 1995 . . . H.R. 2491. Domenici motion to table the Kennedy motion to instruct conferees.**

ACTION: MOTION TO TABLE FAILED, 48-49

SYNOPSIS: As passed, H.R. 2491, the Balanced Budget Reconciliation Act of 1995, will result in a balanced budget in seven years, as scored by the Congressional Budget Office (CBO). The bill will also provide a \$245 billion middle-class tax cut, \$141.4 billion of which will be to provide a \$500 per child tax credit.

The House message to accompany H.R. 2491, the Balanced Budget Act of 1995, states that the House disagrees with the Senate substitute amendment to the bill and requests a conference with the Senate.

The Hatfield motion, as passed, instructs the Senate to insist on its amendment and agree to the House request for a conference.

The Kennedy motion to instruct would direct the conferees to insist on the removal of provisions included in either the House-passed or Senate-passed bills that would do the following:

- eliminate the requirement that drug discounts be given to State Medicaid programs, public hospitals, and other providers that give means-tested health care benefits;
- give Medicare beneficiaries the right to enroll in private health care plans that have balance billing if they so chose;
- weaken current statutory provisions to prevent and combat fraud and abuse in the Medicare program;
- weaken or eliminate Federal nursing home standards;
- repeal prohibitions on nursing homes charging Medicaid patients for covered services in addition to the payments made by the States;
- repeal prohibitions against States placing liens on the homes of nursing home patients; and
- provide greater or lesser Medicaid to States "based upon the votes needed for the passage of legislation rather than the needs of the people in those States."

Debate was limited by unanimous consent. Following debate, Senator Domenici moved to table the Kennedy motion. Generally,

(See other side)

YEAS (48)			NAYS (49)			NOT VOTING (2)	
Republicans (48 or 94%)	Democrats (0 or 0%)		Republicans (3 or 6%)	Democrats (46 or 100%)		Republicans (2)	Democrats (0)
Abraham	Helms		Cohen	Akaka	Inouye	Gramm ⁻²	
Ashcroft	Hutchison		Snowe	Baucus	Johnston	Lugar ⁻²	
Bennett	Inhofe		Specter	Biden	Kennedy		
Bond	Jeffords			Bingaman	Kerrey		
Brown	Kassebaum			Boxer	Kerry		
Burns	Kempthorne			Bradley	Kohl		
Campbell	Kyl			Breaux	Lautenberg		
Chafee	Lott			Bryan	Leahy		
Coats	Mack			Bumpers	Levin		
Cochran	McCain			Byrd	Lieberman		
Coverdell	McConnell			Conrad	Mikulski		
Craig	Murkowski			Daschle	Moseley-Braun		
D'Amato	Nickles			Dodd	Moynihan		
DeWine	Pressler			Dorgan	Murray		
Dole	Roth			Exon	Nunn		
Domenici	Santorum			Feingold	Pell		
Faircloth	Shelby			Feinstein	Pryor		
Frist	Simpson			Ford	Reid		
Gorton	Smith			Glenn	Robb		
Grams	Stevens			Graham	Rockefeller		
Grassley	Thomas			Harkin	Sarbanes		
Gregg	Thompson			Heflin	Simon		
Hatch	Thurmond			Hollings	Wellstone		
Hatfield	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

those favoring the motion to table opposed the motion; those opposing the motion to table favored the motion.

NOTE: Following the failure of the motion to table, the motion to instruct was adopted by voice vote.

By unanimous consent, 4 motions to instruct conferees were in order after the Senate agreed to a conference and before it appointed conferees (see vote Nos. 571-573).

Those favoring the motion to table contended:

On this last motion to instruct that is in order to be offered under the terms of the unanimous consent agreement governing the appointment of conferees, we close by saying we hope that our Democratic colleagues enjoyed offering their motions. For the most part, these 4 motions demanded that the conference report not contain provisions that were not contained in either the Senate-passed or the House-passed bill, and were thus pointless on a substantive basis from the outset. Further, to the extent that their motions had any resemblance to what was actually in either bill, our Democratic colleagues are of course aware that House and Senate Republicans have been meeting for the past week to iron out their differences on the conference report and have finished putting it together. Appointing conferees is now just a pro-forma step. Instructing conferees after there is nothing left to decide will not affect anything. As we said at the outset, we hope our colleagues enjoyed offering their motions, because nothing else will come of them.

Some Democratic Senators have expressed shock that Republicans would meet informally without Democrats present to decide what they wanted in the conference report. We do not find their chaste protests very convincing. After all, Republicans learned by Democrats' example in 1993 when they enacted the largest tax hike in history. Republicans were not invited to that particular conference report party; we imagine that Democrats thought that Republicans might be kill-joys. Similarly, at this conference to balance the budget and provide tax relief for middle-class Americans, without the slightest effort to increase welfare spending, Republicans thought that Democrats might prove to be wet blankets, and they thus were not invited.

As for this last particular motion, most of the instructions tell the conferees not to do things that Republicans, meeting among themselves, have not decided to do in any event. One exception is the provision that states that conferees are to insist that Medicare Choice plans may not be offered if they have balance billing. We have discussed, and defeated, this opposition to letting senior citizens choose any type of health care plan that they wish (see vote No. 527). Because of this provision we cannot support the Kennedy motion. We may not prevail this time because the issue is combined with a laundry list of other items. Those other items are not in the conference report, but some Senators may feel compelled to vote in favor of this motion to show that they are not in favor of their inclusion.

Whether we prevail or not, though, does not really matter. Our Democratic colleagues did not offer these motions to try to affect the conference report. They offered them so they could have one more chance before the conference report is before them to make the same political speeches they have been making for the past month. We urge our colleagues to join us in voting to table this motion, and then to join us in a couple of days in passing the conference report to accompany the Balanced Budget Act of 1995.

Those opposing the motion to table contended:

The Republicans reconciliation bill gives a helping hand to rich special interests and the back of its hand to the American people. The fundamental injustices are nowhere more evident than in the bill's health care provisions. The dishonor roll of those who will benefit reads like a "Who's Who" of special interests in the health care industry. The pharmaceutical industry will get a break in the House bill at the expense of poor people; the American Medical Association will receive lavish benefits in return for its endorsement of the Republican's vicious assault on Medicare; anti-fraud and conflict-of-interest rules will be weakened to help physicians at taxpayers' expense; physicians will be allowed to charge more for services than Medicare will pay, making poor senior citizens pick up the difference; all Federal nursing home standards will be eliminated in the House bill, and the Senate bill will effectively gut those standards; protections for senior citizens from losing their homes in order to provide medical care for their spouses will be eliminated.

The Kennedy motion to instruct would direct conferees to reject these outrages and others that appear in either or both the Senate-passed and House-passed bills. Some Senators have made the surprising statement that these issues have already been decided between the Houses. This statement is surprising because conferees have not yet been appointed. Our colleagues understand the rules, and know that no final decision may be made until a conference is formally held. We are disappointed that our Republican colleagues have met in secret without Democratic involvement, instead of holding a real conference with Senators from both parties. We understand that after these motions, Democrats will have no chance to change the nature of the conference report which is being drafted behind closed doors. We therefore urge Senators to give their overwhelming approval to the Kennedy motion, in order to send a strong signal to conferees that they must accede to these instructions.